



# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Linda S. Adams  
Secretary for  
Environmental Protection

Arnold Schwarzenegger  
Governor

Certified Mail: 7003168000061747855

June 16, 2006

Mr. Gary Erbeck, Director  
San Diego County Department of Environmental Health  
P.O. Box 129261  
San Diego, CA 92112-9261

Dear Mr. Gary Erbeck:

The California Environmental Protection Agency (Cal/EPA) and Office of Emergency Services conducted a program evaluation of the San Diego County Department of Environmental Health Certified Unified Program Agency (CUPA) on May 24, 2005. The evaluation was comprised of an in-office program review. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was reviewed with your agency's program management. The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Two additional evaluation documents completed during the evaluation are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Summary of Findings and I find that San Diego County Department of Environmental Health's program performance exceeds standards. To complete the evaluation process, please provide a status report on your progress toward correcting the one identified minor deficiency to Robbie Morris ([rmorris@calepa.ca.gov](mailto:rmorris@calepa.ca.gov)), the assigned Unified Program liaison, by July 31, 2006.

It is evident that the San Diego County Department of Environmental Health's CUPA is among the top programs throughout the state, leading the way in environmental protection in California. Cal/EPA also noted during this evaluation that the San Diego County Department of Environmental Health has worked to bring about program innovation, such as establishing the following Process Improvement Teams:

- *Business Community Workgroup* whose purpose of the BCWG is for the business community to advise and provide input to the Chief of HMD and the Director of DEH on the implementation and continuous improvement of the HMD Certified Unified Program Agency (CUPA) program.

- *HMD Hazardous Waste Tank Workgroup* addresses industry concerns regarding interpretation of CCR Title 22 Article 10 requirements.
- *HMD Business Plan Process Improvement Workgroup* has identified and implemented the following HMBPs now routed from Hazmat Plan Check to Specialists, HMBPs are now mailed directly to HMD headquarters and all logged into KIVA data system and HMBP Tech now reviews annual submittals from major petroleum marketers.
- *Medical Waste Management Workgroup* includes representatives from dental, medical and veterinarian facilities and identifies training needs and serves as a sounding board for new issues found in the field and discusses new regulatory issues that are of importance for these practices.
- *EHS III and EHS II Technical Workgroups* meet regularly to improve consistency and uniformity between Specialists on the field, creates a forum to clear gray areas where there is no clear regulatory guidance, identifies operational things that can be improved to facilitate Specialist's office and field work, identifies training needs and serves as a sounding board for new issues found on the field, and address inspections of complex facilities.
- *HMD UST Process Improvement Workgroup* has two primary performance goals: 1) Identify, then upgrade or close significantly non-compliant USTs by end of 2004. Increase the number of USTs closed in 2004 to at least twice the number closed in 2001; and, 2) Reduce the number of UST releases in 2006 to half of the number of releases verified in 2001.
- *HMD Enforcement Workgroup* has identified inspector's impediments to doing enforcement and proposed solutions, created the "S" Drive Enforcement folder, revised several forms used for enforcement and created new enforcement forms to assist in case development (chronology, statement of violations, etc).

Additionally, as examples of outstanding program implementation, the following projects have been initiated by the San Diego County Department of Environmental Health:

- *HMD EPIC Project-Plating Shop Pilot Project* where the goal is to reduce non-compliance of Unified Program Agency violations by the plating shop industry through education and outreach.
- *HMD Performance Measures/EPIC Pilot Project* where the goal is to reduce non-compliance of Unified Program Agency violations through education and outreach.
- *Data Management* improvements include data entry that is now done immediately after conducting inspections for UST installations, repair and upgrades.

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We will be sharing the outstanding program implementation examples and program innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosures

cc: Mr. Michael Dorsey (Sent Via Email)  
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STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY



Dan Skopec  
Acting Secretary

**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION  
SUMMARY OF FINDINGS**

Arnold  
Schwarzenegger  
Governor

**CUPA: San Diego County Environmental Health–Hazmat Division**

**Evaluation Date: May 24, 2005**

**EVALUATION TEAM**

**Cal/EPA: John Paine**

**OES: Fred Mehr**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to John Paine at (916) 327-5092.

	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action &amp; Timeframe</u></b>
<b>1</b>	Hazardous Materials Business Plan Certification statement is missing the following statements: The business owner or officially designated representative signs and attests to these statements: (A) The information contained in the hazardous materials inventory most recently submitted to the CUPA or AA is complete, accurate, and up to date. (B) There has been no change in the quantity of hazardous materials reported in the most recently submitted inventory. (C) No hazardous materials subject to inventory requirements are being handled that are not listed on the most recently submitted inventory.	The CUPA will add the additional language within 6 months to the certification statement form and web page.

**CUPA Representative**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

**Evaluation Team Leader**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

Certified Unified Program Agency (CUPA)  
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**PROGRAM OBSERVATION AND RECOMMENDATION**

1. **Observation:** CUPA has not performed compliance inspection on all 70 CalARP regulated businesses on a triennial basis. The CUPA has inspected 38 of the 70 CalARP businesses during the past three fiscal years.

**Recommendation:** The CUPA was confused on the difference between a CalARP inspection and audit. The CUPA listed their audits in the inspection section of the Annual Summary Report to Cal EPA and no audits. The CUPA has actually completed 25 CalARP inspections and 14 audits so far this year alone.

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The San Diego County Environmental Health's Hazardous Materials Division is well organized, superbly managed, and staffed with over 67 hard working, diversely educated, and highly skilled professionals, of which 59 are fully dedicated to the CUPA. The DEH organization consists of a Division Chief, 8 supervisors, 46 field staff (1 dedicated to the enforcement program), 4 environmental technician, 9 support staff, with 2 current vacancies. The DEH functional responsibilities includes four functional areas: 1) The UP Program, which incorporates Medical waste program with the six program elements; 2) Radiation Management, which includes Nuclear Emergency Planning, Radiation Shielding Plan Reviews, Radioactive materials Inspections, Evaluations, and License Inspection; 3) Emergency Response Services, which includes: Hazardous Materials Duty Desk, Hazardous Incident Response Team, Non-Business Related Complaints, and HMBP Central (a single point of collection); and, 3) the U.S./Mexico Border Inspection and Education Project, which includes: Border Inspections/Enforcement, Outreach & Education, and Emergency Response and Planning. A General Management system adopted by all county agencies describes how the County plans, implements, and monitors all County functions that affect the services they provide. The system has five overlapping components: Strategic planning – *Where are we going?*; Operational planning – *How do we plan to get where we are going?*; Monitoring and control – *Are we on track?*; Functional threading – *Are we working together?*; Motivation, rewards, and recognitions – *Are we sharing goals and encouraging success?*
2. The CUPA has is currently leading the efforts of numerous external and internal Process Improvement Teams, which include:
  - *Business Community Workgroup* whose purpose of the BCWG is for the business community to advise and provide input to the Chief of HMD and the Director of DEH on the implementation and continuous improvement of the HMD Certified Unified Program Agency (CUPA) program.
  - *HMD Performance Measures/EPIC Pilot Project* where the goal is to reduce non-compliance of Unified Program Agency violations through education and outreach. The project has two

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primary objectives in reaching this goal: 1) Demonstrate that education and outreach can be effective tools in obtaining compliance from the regulated community; and, 2) Establish a risk based inspection process that can be used to assist in directing resources to areas of high risk and non-compliance.

- *HMD EPIC Project-Plating Shop Pilot Project* where the goal is to reduce non-compliance of Unified Program Agency violations by the plating shop industry through education and outreach. Project objectives are: Demonstrate that education and outreach can be effective tools in obtaining compliance from the regulated community; 2) Provide a one time “Fix-It” inspection to all facilities completing workshop; 3) Establish a work plan for each facility to attain compliance.
- *HMD EPIC Project-Plating Shop Compliance Manual* was developed, as a plain-English guide for regulated businesses and a training tool for other CUPAs. The *Plating Shop Compliance Manual* is comprised of eighteen chapters and two appendices. The *Plating Shop Compliance Manual* was presented during the two Compliance Workshops where all 27 identified plating shops in the County were invited. Over 50 individuals attended the two workshops, representing 22 of the 27 identified plating shops. Only two eligible shops did not participate. Three of the five plating shops that did not send a representative are either closing, under enforcement action, or both.
- *HMD Hazardous Waste Tank Workgroup* addresses industry concerns regarding interpretation of CCR Title 22 Article 10 requirements.
- *HMD Business Plan Process Improvement Workgroup* has identified and implemented the following HMBPs now routed from Hazmat Plan Check to Specialists, HMBPs are now mailed directly to HMD headquarters and all logged into KIVA data system, and HMBP Tech now reviews annual submittals from major petroleum marketers.
- *HMD First Responder’s Business Plan* has completed the county Disaster Plan and re-write of Annex H, developed a DEH DOC and trained staff to operate the DOC, major players on the San Diego Operational Area Metropolitan Medical Strike Team (MMST), several Disaster Drills were also conducted.
- *Medical Waste Management Workgroup* includes representatives from dental, medical and veterinarian facilities and identifies training needs and serves as a sounding board for new issues found in the field and discusses new regulatory issues that are of importance for these practices. Current projects include: guidance document for Waste Management in Small Medical Practices, guidance document for Management of Gram Stain Waste, and workshops are scheduled for August 2005 titled “What to expect when a County or CalOSHA inspector shows up at your practice”
- *EHS III Technical Workgroup* is an internal group of senior staff and meets every other month, develops consistency for inspecting complex sites. This year most of the meetings were devoted to the Plating Shop Project. Completed projects included the Hazardous & Medical Waste Plating Shop Compliance Project and updates to MW Limited Quantity

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Hauler Exemption. Medical Waste Projects in process is the review of Onsite Treatment Permit application and processing.

- *EHS II Technical Workgroup* is an internal group of CUPA staff that after HMD All Staff Meeting. Representatives from each inspection group meet four times per year. The group helps to improve consistency and uniformity between Specialists on the field, creates a forum to clear gray areas where there is no clear regulatory guidance, identifies operational things that can be improved to facilitate Specialist's office and field work, identifies training needs and serves as a sounding board for new issues found on the field. The group has completed the internal inspection guidance documents for sandblasting media and paint booth filters. Internal Inspection Guidance Documents in process include return to compliance, machine coolants, and grounding of drums used for used fuel filters.
- *HMD UST Process Improvement Workgroup* is an internal group which has two primary performance goals: 1) Identify, then upgrade or close significantly non-compliant USTs by end of 2004. Increase the number of USTs closed in 2004 to at least twice the number closed in 2001; and, 2) Reduce the number of UST releases in 2006 to half of the number of releases verified in 2001. The workgroup has actually attained their 50% goal on January 2004. The nearly 400 SNCs identified in 2001 is currently been reduced to 49 SNCs. HMD is actively working towards reducing the number of SNC USTs (49) on the baseline list to zero.
- *Data Management* improvements include data entry that is now done immediately after conducting inspections for UST installations, repair and upgrades. This practice allows all Specialists and staff to know the status of the permit activities in real time. Plan check file checklist was updated to assure completeness and data entry requirements prior to closing files. Filing and file management procedures were updated to ensure better access to plan check files. Updating of inspection forms to reflect new requirements. Efforts to ensure UST installation contractors obtain ICC UST Installation Certification and provide notification form of a mail out sent out to all contractors outlining the new requirements and required notification procedures. Developed a database with all UST Installer ICC certification information and manufacturer's training, which is accessible to all UST inspection staff. Initiated efforts to ensure owners and operators of USTs meet designated operator requirements by publishing several articles in the HMD Newsletter advising and developed web page information. Also created a handout for staff to provide to UST owners and operators during annual inspections that outlined Designated Operator requirements and sent notification letters and Designated Operator forms to UST owners/operators during October 2004. Provided training via IEA training and IEA meetings. HMD is commencing on a large-scale data-imaging project that will result in the review, purging and imaging of approximately 26,000 HMD files. Files will ultimately be made available to all external and internal customers. Overall cost of the implementation of the initiative is estimated to be \$1.25 million. \$500,000 has been allocated from one-time funds (enforcement settlements). An additional \$725,000 is expected to be allocated from one-time funds. DEH Information Technology Strategic Plan -August 30, 1999; currently being revised. The First Responder Plan was developed, HMBP data and site maps on CDs to Fire Departments-New, site maps were scanned into database, new-Upgraded DEH/HMD Website – All CUPA forms available on HMD's website. A newer version of KIVA was tested to ensure consistency



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with DEH and HMD processes. The new version was installed on 12/04. New version offers the ability to electronically copy hazardous materials information from an existing UPFP permit to a new permit. This works for inventory and hazardous waste. It also allows adding new or updating existing data elements for USTs without having to have this done by the contactor. HMD still needs the ability to accept electronic inventory submittals online.

- *HMD Enforcement Workgroup* is another internal group. The group has identified inspector's impediments to doing enforcement and proposed solutions, created the "S" Drive Enforcement folder, revised several forms used for enforcement and created new enforcement forms to assist in case development (chronology, statement of violations, etc). They compiled a list of scenarios of when a court case should be done. Developed a sample hazardous waste case and the Digital Images Protocol. Established ongoing training for staff on posting digital images into PowerPoint and Incorporated ongoing training at CUPA Quarterly meetings (I.e. AEO Fines assessment for hazardous waste violations). Future workgroup action items include: finalizing the Case Scenarios, develop Sample UST enforcement case, develop additional forms for UST enforcement case, develop a Sample Medical Waste enforcement case, and develop additional forms for Medical Waste enforcement cases.
3. Two Staff currently Cross Training for REHS. Ergonomic Refresher training status - annual evaluations are currently being conducted. Hazwoper training status -Training is current. Last training conducted on April 2005. Customer service training--All employees have received customer service training. Diversity training--All staff have received this training CUPA Quarterly training--Last training conducted on January 19, 2005 and May 11<sup>th</sup>, 2005 Individual training plans - completed for all staff for this fiscal year
  4. Customer Service efforts include random mail out of customer surveys since July 1<sup>st</sup> – 99% of customers indicated they were received satisfactory service (241 surveys received to date).Random surveys for duty and AB 3205 since July 1<sup>st</sup> – 100% of customers indicated they received satisfactory service (14) surveys received to date).
  5. Education/Outreach activities include Pollution Prevention Educational Fact Sheet for elementary schools and a Kids Page is now available on the HMD website, Pollution Prevention. A K-12 school compliance and pollution prevention checklist is now under development. Assisting of CHD with E-waste education for the second year in a row, HMD and CHD presented two Universal Waste Workshops for County Employees. HMD and CHD continue to host the CRT& Universal Waste Workgroup. Educational Outreach goal was to complete 4 environmental at four schools, whereas, over 10 presentations were actually conducted. Outreach to industry workshops (goal of at least 4) includes – two Plating Shop Compliance Workshops and two EPIC Workshops "Compliance through Education" – two already held and one more planned for May of 2005. Pollution Prevention workshops for automotive businesses and other related workshops are planned - Five automotive P2 workshops and two workshop for dental practices are scheduled for August of 2005.
  6. Newsletter-Environmental Press was first issue published in 2001. HMD is the only division in the Land Use and Environmental Group publishing a newsletter. Provides technical

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information about the Unified Program requirements. Presents new and upcoming changes in the law and regulatory requirements. Distributed electronically to some stakeholders. Current and past issues posted at the HMD's website.

7. HMD Website has evolved from two pages in 2002; HMD has now over twenty different WebPages with information for the public and the regulated community. It is a great source of public information during the Firestorms of 2003. HMD's Fire Recovery page information was used for the County's page. The Forms page contains all the Unified Program Consolidated forms in both, Word-Interactive and pdf formats. This page has received over 2000 visitors since 01/01/2005.
8. Special Initiatives and New Program Implementation includes the Green Business Program was launched in March 2004. It is an environmental assistance and recognition program that provides environmental education and assistance to small Automotive and Food facilities. HMD and CHD coordinate bi-monthly stakeholder meetings. Stakeholders include other regulatory agencies, non-profit organizations, businesses, academia, utilities, cities and members of the public. They have also assisted USEPA Binational Prevention Plan where the County of San Diego, City of San Diego and City of Tijuana signed MOA in October 2003. The Chief of HMD is Co-Chairing Border 2012 Task Force. Task Force received two grants and is working with US/EPA to: establish a Training Institute for First Responders, in coordination with Tijuana Fire, State Protección Civil and Profepa; implement the San Diego-Tijuana Green Business Program; joint program by HMD and Tijuana's Dirección Municipal de Ecología will promote environmentally sound practices in the automotive industry in the City of Tijuana. A two-step process is planned: 1-Train the regulators in Tijuana about the benefits of Pollution Prevention; and, 2-Train owners/operators of the automotive shops in strategies of Pollution Prevention and waste minimization.